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*Attorneys for Plaintiffs*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

MICHAEL OMSTEAD, MELISSA  
MALLOY and LISA SMITH, individually  
and on behalf of all others similarly  
situated,

Plaintiffs,

v.

DELL INC.

Defendant.

Case No. C06-6293 PJH

**STIPULATION AND [PROPOSED]  
ORDER GRANTING DISMISSAL OF  
ACTION**

Plaintiffs and Defendant Dell, Inc. ("Dell"), by and through their respective  
counsel, hereby stipulate as follows:

1. On December 17, 2010, a nationwide Class Action Settlement received  
final approval by the Honorable James L. Robart in a parallel action, *Carideo, et al. v. Dell, Inc.*,  
Case No. 06-cv-1772 (W.D. Wash. filed Dec. 13, 2006) ("*Carideo*"); and
2. The Settlement in *Carideo* addresses all members of the proposed Class in  
this case as well as all issues raised in the operative complaint in this case; and
3. The Final Order granting approval of the Settlement in *Carideo* has been  
entered; and
4. The Parties agree that the above-entitled matter has been fully

1 compromised and settled and that an order may be entered dismissing this action with prejudice  
2 and without costs and disbursements to either party.

3 IT IS SO STIPULATED.

4 I, Kristen Law Sagafi, attest that concurrence in the filing of the instant Stipulation  
5 and [Proposed] Order has been obtained from counsel for Defendant.

6 Dated: December 23, 2010

7 Respectfully submitted,

8 **LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP**

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*Attorneys for Plaintiffs and the Proposed Class*

Dated: December 23, 2010

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*Counsel for Defendant Dell Inc.*

**ORDER**

1                   Upon consideration of the foregoing Stipulation, this case is DISMISSED with  
2                   prejudice and without costs and disbursements to either party.

3                   **PURSUANT TO STIPULATION IT IS SO ORDERED.**

4  
5                   Dated: 12/27/10

6                   Honorable Phyllis J. Hamilton  
7                   United States District Judge

